

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01435-BNB

(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)

BENJAMIN FRANCIS KOLE,

Plaintiff,

v.

JUDGE THOMAS L. LYNCH (in his professional capacity),
SHERIFF JUSTIN SMITH (in his professional capacity),
CAPTAIN TIMOTHY PALMER (in his professional capacity),
LIEUTENANT MICHAEL ESTER (in his professional capacity),
LIEUTENANT STACEY SHAFFER (in her professional capacity),
DEPUTY D.A. NICHOLAS CUMMINGS (in his professional capacity), and
MARY JO BERENATO (in her professional capacity),

Defendants.

ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES

Plaintiff, an inmate at the Larimer County Detention Facility in Fort Collins, Colorado, has filed *pro se* a Prisoner Complaint (ECF No. 1) and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3). As part of the court's review pursuant to D.C.COLO.LCivR 8.1(b), the court has determined that the documents are deficient as described in this order. Plaintiff will be directed to cure the following if he wishes to pursue any claims in this court in this action. Any papers that Plaintiff files in response to this order must include the civil action number on this order.

28 U.S.C. § 1915 Motion and Affidavit:

- (1) is not submitted.
- (2) is missing affidavit
- (3) is missing a certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing.
- (4) trust fund account statement is missing certification by authorized prison official.
- (5) is missing required financial information
- (6) is missing authorization to calculate and disburse filing fee payments
- (7) is missing an original signature by the prisoner
- (8) is not on proper form (must use the court's current form)
- (9) names in caption do not match names in caption of complaint, petition or habeas application
- (10) other: _____

Complaint, Petition or Application:

- (11) is not submitted
- (12) is not on proper form
- (13) is not signed by the Plaintiff
- (14) is missing page nos. _____
- (15) uses et al. instead of listing all parties in caption
- (16) names in caption do not match names in text
- (17) addresses must be provided for all defendants/respondents in "Section A. Parties" of complaint, petition or habeas application
- (18) other: _____

Accordingly, it is

ORDERED that Plaintiff cure the deficiencies designated above **within thirty days from the date of this order**. Any papers that Plaintiff files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Plaintiff shall obtain a copy of the court-approved Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 form (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov. It is

FURTHER ORDERED that if Plaintiff fails to cure the designated deficiencies **within thirty days from the date of this order** the action will be dismissed without

further notice.

DATED May 22, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland
United States Magistrate Judge